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**SENATE BILL 497**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**Gerald P. Ortiz y Pino**

**AN ACT**

**RELATING TO CONSUMER PRODUCTS; REQUIRING AN AVERSIVE OR BITTERING AGENT IN ENGINE COOLANT AND ANTIFREEZE; PROVIDING FOR A LIMITATION ON LIABILITY; PROVIDING EXCEPTIONS.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. AVERSIVE OR BITTERING AGENT IN ENGINE COOLANT AND ANTIFREEZE-- LIABILITY LIMITATION-- EXCEPTIONS. --**

**A. Engine coolant or antifreeze sold in this state after January 1, 2006 that is manufactured after July 1, 2005 and that contains more than ten percent ethylene glycol shall include denatonium benzoate at a minimum of thirty parts per million and a maximum of fifty parts per million as an aversive or bittering agent within the product so as to render it unpalatable. A manufacturer or packager of engine coolant or antifreeze subject to the provisions of this section shall**

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1 maintain a record of the trade name, scientific name and active  
2 ingredients of an aversive or bittering agent used pursuant to  
3 this section. Information and documentation maintained  
4 pursuant to this section shall be furnished to a member of the  
5 public upon request.

6 B. A manufacturer, packager, distributor, recycler  
7 or seller of engine coolant or antifreeze that is required to  
8 contain an aversive or bittering agent pursuant to this section  
9 is not liable to any person for personal injury, death,  
10 property damage, damage to the environment or natural resources  
11 or economic loss that results from the inclusion of denatonium  
12 benzoate in engine coolant or antifreeze.

13 C. The limitation on liability provided in  
14 Subsection B of this section is only applicable if denatonium  
15 benzoate is included in engine coolant or antifreeze in the  
16 concentrations mandated by this section. The limitation on  
17 liability provided in Subsection B of this section does not  
18 apply to a particular liability to the extent that the cause of  
19 that liability is unrelated to the inclusion of denatonium  
20 benzoate in engine coolant or antifreeze.

21 D. No political subdivision of this state shall  
22 have authority to establish or continue in effect a  
23 prohibition, limitation, standard or other requirement relating  
24 to the inclusion of an aversive or bittering agent in engine  
25 coolant or antifreeze, with respect to retail containers

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1 containing less than fifty-five gallons of engine coolant or  
2 antifreeze, which is different from, or in addition to, the  
3 provisions of this section.

4 E. The provisions of this section do not apply to  
5 the sale of a motor vehicle that contains engine coolant or  
6 antifreeze.